

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KATIE M. KONONEN,

Plaintiff,

Case. No. 6:22-cv-1581-MC

v.

OPINION AND ORDER

MESCALERO APACHE TRIBE,

Defendant.

MCSHANE, Judge:

Pro se plaintiff Katie Kononen filed a complaint without paying the filing fee or filing an application to proceed *in forma pauperis* (IFP). The Court, pursuant to 28 U.S.C. § 1915(e)(2), must screen applications to proceed IFP and dismiss any case that is frivolous or malicious, or fails to state a claim on which relief may be granted.

Plaintiff has a dispute with the Mescalero Apache Tribe concerning the enrollment status of herself and her children. In her relief sought, Plaintiff seeks “Tribe enrollment with full Tribal benefit and the promise from three tribal president to go back to when I was baby compensation and also for my kids enrollment. Petitioner applied for Tribal membership immediately after clearing the eligibility.” Compl. 4; ECF No. 1. “Federal courts generally may not interfere with tribal enrollment decisions, given the often vast gulf between tribal traditions and those with which federal courts are more intimately familiar.” *Alto v. Black*, 738 F.3d 1111, 1122 (9th Cir. 2013) (cleaned up). Given that, federal courts generally lack jurisdiction over

disputes concerning tribal enrollment matters. *Id.* As this action involves tribal enrollment matters, this Court lacks jurisdiction and this action is dismissed. *See Fed. R. Civ. P. 12(h)(3)* (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”).

IT IS SO ORDERED.

DATED this 30th day of November, 2022.

/s/ Michael McShane

Michael McShane

United States District Judge